

JEFFERSON COUNTY COMMISSIONERS  
COURTHOUSE, BOX H  
BOULDER, MT 59632  
PHONE 406-225-4025  
FAX 406-225-4148

TOM LYTHGOE, CHAIR

KEN WEBER

DAVE KIRSCH

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
December 1, 2009**

**Present:** Commissioners Lythgoe and Weber; Harold Stepper, County Planner; Greg Beebe, Deputy County Attorney; Janet Cornish, Community Development Services; Tom Harrington, JLDC; Mike Murray, Lewis and Clark County Commission; Michele Peterson, Katie Jurstad, Carrie Severson and Jeff Sealey, Lewis and Clark County; Jan Anderson, *Boulder Monitor/ Jefferson County Courier*; Eddie Smith, Coleen Teeling, Kay Deskins, Dave Duffy, Doug Sparrow

**CORRESPONDENCE**

Commissioner Weber read an e-mail from Tim Ravndal regarding Senator Testor's wilderness bill. Tim is asking for a letter from the Commission to be forwarded to Senator Coburn. Commissioner Lythgoe stated that the Commission has already taken an official position on this; Commissioner Weber will draft the letter.

Commissioner Lythgoe read a memo from Tara Mastel regarding \$3,000 that the County paid to the Center for the Rocky Mountain West for an economic assessment of Jefferson County. Tom Harrington said that this happened several years ago. The Center was hired and paid to produce a report which Jefferson County has never received. The JLDC and Commissioner Weber have both worked to try to resolve this; this letter is getting more formal in asking for reimbursement. Commissioner Lythgoe asked if they have responded to any of our attempts to make contact. Tom stated that they have not. Commissioner Weber stated that when he was in Missoula one day, he personally went to the office, gave them his card and sat for over three hours, until the end of the business day. Dr. Swanson never came out.

Tom stated that this is money that came out of county metal mines funds, so they feel that it is appropriate to invoice them for return of the funds. Commissioner Weber noted that he had a draft of the letter forwarded to the County Attorney for his review. The Commissioners signed the letter to be mailed.

## **CALENDAR REVIEW**

- 12/02 Solid Waste safety meeting - 8:00  
JLDC - Whitehall - 2:00
- 12/03 Meeting with Terry Reed - Whitehall - 9:00  
4-H meeting - 6:00
- 12/04 Meeting with Exxon representative - 9:00  
Meeting with Greg Jackson - 10:00

## **COMMISSION REPORTS**

### **CENTER FOR MENTAL HEALTH**

Commissioner Lythgoe reported that he attended the Center for Mental Health Board meeting in Great Falls the previous day. It was mostly business as usual, but there were some issues as far as coordinating with the hospital and issues as it relates to trying to develop a crisis center. The board feels that they are on the road to getting some of those issues resolved. The board has a meeting on the 14<sup>th</sup> which he would ask Commissioner Weber to attend, at the Center for Mental Health in Helena. Hopefully some of the problems can be resolved over the next several months.

### **PLANNING ISSUES**

Commissioner Weber reported that he met with a resident at Montana City the previous day. He has storage units in the Jefferson Acres commercial subdivision. He has plans for expansion, and he discussed his concerns with the county park ground which is on a steep hill adjacent to his property. He is worried about people falling off of our park and down into his steep walled area. He thought that he might like to put some rocks in, but there is also a chain link fence that dead ends that we could run on the edge of our park that would stop some of those things. He doesn't know if they accomplished anything, but the gentleman did let him know about some of his concerns and he was able to look at the area. Commissioner Weber stated that it appeared to him that the chain link fence would be a better option, as far as kids rolling rocks off the hill or people falling off. This would be a good idea for safety reasons. Commissioner Lythgoe asked if he talked at all about building a retaining wall – he has a major issue. Commissioner Weber said that he is intending on that. He is working on a land deal right next door, on the east side of his property, that would allow him to come around back, cut some of the steepness back and build a retaining wall. Currently, he doesn't own the property to get back there.

### **MEDIATION**

Commissioner Weber reported that today he and Commissioner Lythgoe attended mediation in Helena regarding the Liverpool Mine Road lawsuit. The mediation is still underway, and he apologized that they had their phones on during the meeting, in case they were needed.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **DISCUSS AND DECIDE ON FINANCIAL SUPPORT FOR NATIONAL YOUNG LEADERS CONFERENCE**

Colleen Teeling and Kay Deskins came before the Commission to request financial support for Lorna Deskins to attend the National Young Leaders Conference in Washington DC.

Commissioner Weber stated that he spoke to Colleen previously; they are currently doing fundraising, but would consider the money from the County a loan. Colleen stated that they had installment payments that they needed to make to register Lorna for the conference.

Commissioner Weber moved to make a loan from PILT on behalf of Lorna \$2,000 to the National Young Leaders Conference in Washington DC. Commissioner Lythgoe seconded. The motion carried.

### **FIRST READING AND PUBLIC HEARING TO ESTABLISH A TAX FINANCING INDUSTRIAL DISTRICT FOR THE NORTH JEFFERSON COUNTY TAX INCREMENT FINANCING INDUSTRIAL DISTRICT**

Janet Cornish stated that they have been working to develop a tax increment finance (TIF) district in the north end of the county. The area roughly coincides with the area of land owned by City-County Sanitation and they are anticipating development of secondary value-added industry in the area.

The program will be administered by the Commission with the help of an advisory board made up of five members.

Commissioner Lythgoe stated that this is a 17-page document, not counting the attachments. He asked if anyone feels that the document needs to be read, after hearing Janet's explanation.

Tom Harrington, JLDC, stated that he thinks that this is a very pro-active approach to bringing economic development to Jefferson County. He feels that this is a very good tool to utilize.

Hearing no further comment, Commissioner Lythgoe closed the public hearing.

### **DISCUSS AND DECIDE ON SPECIAL APPOINTMENTS TO THE DUI TASK FORCE BOARD**

Commissioner Weber moved to appoint Cindy McGinnis, Joan VanDuynhoven and Cindy Larsen as voting members on the DUI Task Force board. Commissioner Lythgoe seconded. The motion carried.

### **DISCUSS AND DECIDE ON OFFICE OF COUNTY SURVEYOR**

Commissioner Lythgoe stated that the reason this is on the agenda is that Jefferson County does not have a county surveyor, and we are supposed to, per state statute. He has discussed this with Bonnie Ramey, and she is willing to take on the duty and title, rather than having another elected official that would be required to be a licensed surveyor.

Commissioner Weber moved to add to the Clerk and Recorder the Office of County Surveyor also. Commissioner Lythgoe seconded and stated that Bonnie has significant knowledge as it relates to that profession and to what they do. The motion carried.

FIRST READING AND PUBLIC HEARING FOR AN ORDINANCE TO ESTABLISH A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT FOR THE SUNLIGHT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT

Commissioner Lythgoe called the public hearing to order and called for comments.

Janet Cornish stated that she has been working with the county and the property owners to develop documents to create the Sunlight TIF Industrial District. This is a project to encourage looking at other types of industry that might be attracted to the area, creating jobs and secondary value-added industry. The area encompasses the Golden Sunlight Mine properties and is infrastructure deficient. This TIF district is now zoned as industrial.

Commissioner Weber asked if the mine property is included in this district. Janet stated that some of the mine property is included and some is excluded.

Tom Harrington stated that this has been an on-going process with sustainability with the Golden Sunlight Mine. This is a good example of a partnership between a private industry and the local area. They are really trying to mitigate the loss of mine jobs and taxable value. This gives incentives to bring businesses in.

Hearing no further comment, Commissioner Lythgoe closed the public hearing.

DISCUSS SUGGESTED MONTANA CITY FIRE DISTRICT-LEWIS AND CLARK DIVISION

Katie Jurstad, Deputy County Attorney for Lewis & Clark County, thanked the Commission for the opportunity to be on the agenda and to come before the Commission to discuss this matter.

Katie stated that Lewis & Clark County is here to propose and suggest their consideration of an inter-local agreement that would essentially formalize a process that is already in place, albeit informally. They feel that it would be in Jefferson County's interest to enter into this inter-local agreement and formalize the arrangement and be assured the payment for fire district levy. This involves property mostly in Lewis & Clark County and a small portion in Jefferson County. There was a previous attempt to annex that territory into the Montana City Fire District which failed because Lewis & Clark County didn't follow the proper procedure to authorize a levy. What they are proposing is to create a fire district which would then be consolidated with Jefferson County's fire district, essentially allowing Lewis & Clark County to levy that property for fire payment, which would then be remitted to Jefferson County and the Montana City Fire District.

Commissioner Weber asked what ramifications this would have on annexations in the future. There was the hiccup with the county line with the previous annexation attempt; by having a property that is split like this and in a district, its own Lewis and Clark division, what ramification would that have with other properties with the same circumstances. Katie handed out the inter-local agreements that they currently have drafted. Both counties acknowledge that the consolidation of these two districts would not affect county boundaries. The statute that involved annexation of fire districts, which they tried to pursue this under in 2007, required that the properties be in fire districts already. That is why the attempt at annexation didn't work. She stated that she hadn't foreseen this question coming up, but she supposed that it would be handled on a case-by-case basis; especially considering that this proposal is based on the recommendation of fire experts that this particular piece of property is best served by the Montana City Fire District as opposed to the Lewis and Clark Fire Service Area, which they otherwise are a part of.

Commissioner Weber stated that rather than each time a piece of property that shares a boundary up there, and there are several others as well as the road that makes this property better served from Montana City transects several properties, he would be comforted to know that they could just make that boundary bigger rather than each time this comes up they have to create another district. Katie stated that at this time they are looking at it from the standpoint of subdivision approval and when those other properties go through the subdivision process, they could request that they petition to join the Lewis and Clark division of the consolidated fire district.

Commissioner Lythgoe read an e-mail from Rick Abraham, for informational purposes. Rick stated that while they are "willing to provide fire protection to the additional property as requested, we are not interested in consolidation with other departments." He further stated that he was not sure where this request came from.

Katie stated that this wouldn't be a consolidation of departments, but rather a consolidation of jurisdictional areas that are considered within the fire district boundaries.

Carrie Severson stated that she would reiterate what Katie just said. The consolidated district would still be governed by the Board of Trustees and that Board of Trustees would still contract with their department. Commissioner Weber stated that it is his understanding that this just puts on paper what is currently happening. Carrie said that this is correct; this property has been paying into the Montana City Fire District.

Greg Beebe, Deputy County Attorney, stated that as he understands it, there is an informal agreement between the property in question and the Montana City Fire District. Under the Code relative to fire districts, it gives fire districts the ability to enter into contracts for fire protection services. As Carrie stated, there could be a concern with payment but if that can be addressed he doesn't see a need. He would like her to address what additional benefits there are to Jefferson County to enter into a consolidated fire district as opposed to a simple contract for fire protection services.

Carrie stated that she believes that the contract has more to do with contracting fire protection for the properties within the district as opposed to contracting with properties outside of the district to give them fire protection. The contracts that the Board of Trustees impose give the district the ability to receive those fire protection services, so if this property is not within the district, they couldn't necessarily have that same contract. Commissioner Lythgoe asks if state law prohibits Montana City Fire from contracting with someone outside their district. Carrie stated that if they chose to hire a fire protective service from outside their county the district could, although she doubts the consolidated board would choose to contract with anybody other than the department that is being run by the current chief.

Katie stated that as the Commissioners are probably aware, statute limits the County's ability to levy additional funds. In this case, unless there is a fire district created for this particular property, the county cannot levy against that property for fire protection services and remit that money to any department or any other district. There needs to be a district created. To follow up on Greg's question as to why consolidate the districts; in order for the decisions of the Montana City Fire District residents to be made, it will include the vote of those Lewis & Clark residents that reside in the consolidated district. This is also for voting and taxation purposes.

Commissioner Weber stated that the area in question is in a fire service area versus a fire district. Katie stated that this is correct. Commissioner Weber stated that the limitations of the amount you can charge for a FSA is much less than a fire district, and the strength of a fire district is thought to be greater also. Katie stated that a FSA typically covers a much larger area so there is smaller amount of money per acre and their resources are stretched further.

Commissioner Lythgoe asked what the boundaries of the combined district are. Katie presented the Commissioners with a copy of the proposed inter-local agreement, with an attached map.

Greg stated that under MCA 7-33-2107 allows fire districts to enter into contracts for fire protection services and 7-33-2108 allows fire districts to enter into mutual aid agreements with other fire districts. If Lewis and Clark County creates the Lewis and Clark Division of the Montana City Fire District based under this statute he believes that it is contemplated that they could then contract for fire protection services with the Montana City Fire District.

Commissioner Lythgoe asked Greg if it is his opinion that the combined district needs to be formed. Greg stated that his opinion is that there is an alternative. Commissioner Lythgoe asked if he has a problem with anything presented today. Greg stated that he doesn't have a problem, but because concerns have been voiced, he wanted to bring it to the Commission's attention that there are alternatives.

Commissioner Weber said that it appears to him that Lewis & Clark County, at this time on this piece of property, is wrestling with an issue that Jefferson County has been dealing with; how to get people in fire protection areas. He noted that it is better to be in a FSA than nothing; and it has been their position that it is better that people are in a district rather than a FSA. It appears to him that Lewis and Clark County is attempting to take that step that Jefferson County has

identified as being better; there is more and better protection to be in a district. It is mutual aid from our fire district that is being utilized to provide that better protection, so it seems beneficial to him to do that.

Commissioner Lythgoe stated that the Commission will need to make a decision on this, and asked if there is a time frame that Lewis and Clark County is looking at. Katie stated that the property owner was given preliminary approval for their subdivision and has maybe another year until a final decision needs to be made. Commissioner Lythgoe stated that this will be put on the December 22 agenda for decision.

Katie noted that Commissioner Murray isn't just here for show; when he came on the Commission he had experience with the consolidation of fire service area in the Dearborn area.

Mike Murray, Lewis and Clark County Commissioner, stated that he supports this. He was involved in a consolidation in the Dearborn area between Lewis and Clark and Cascade Counties. Safety is the main concern.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Jan Anderson, *Boulder Monitor/Jefferson County Courier*, asked if Commissioner Weber has formally submitted a resignation to the Commission. Commissioner Weber stated that he has submitted an e-mail of intent to resign, and he will submit formal resignation within 72 hours of the 1<sup>st</sup> of January. Jan asked if the Commission has taken any steps to establish some sort of replacement process; has it been discussed at all. Commissioner Lythgoe stated that he needs to talk to the County Attorney to figure out the process. He doesn't think that Commissioner Weber can be involved in the process. He did request of the Solid Waste Board Chair that they write a letter indicating what their intent is, so that the Commission could take some action. Commissioner Lythgoe stated that Kellie has e-mailed the Commission Office a copy of what was submitted by Commissioner Weber. The Commission is taking some kind of action at the next meeting. Commissioner Weber stated that the resolution that formed the Solid Waste Board states that they can hire a manager with the approval of the Commission.

Eddie Smith asked if there is a County Ordinance or state law that directs how a new Commissioner will be placed. Commissioner Lythgoe stated that there is; he just hasn't had a chance to sit down with the County Attorney to discuss how this will happen.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded.

### **MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**KEN WEBER, COMMISSIONER**

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**DAVE KIRSCH, COMMISSIONER**